

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 295

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Dede Feldman

AN ACT

RELATING TO SCHOOLS; ESTABLISHING NUTRITIONAL STANDARDS AND
STANDARD PORTIONS; ENACTING THE COMPETITIVE FOODS IN SCHOOLS
ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] SHORT TITLE. -- This act may be cited as the
"Competitive Foods in Schools Act". "

Section 2. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] DEFINITIONS. -- As used in the Competitive
Foods in Schools Act:

A. "competitive beverage" means a beverage offered
or sold at school other than a beverage served through the

underscored material = new
[bracketed material] = delete

1 United States department of agriculture's school breakfast,
2 national school lunch and after-school snack programs; and

3 B. "competitive food" means a food offered or sold
4 at school other than a food served through the United States
5 department of agriculture's school breakfast, national school
6 lunch and after-school snack programs. "

7 Section 3. A new section of the Public School Code is
8 enacted to read:

9 "[NEW MATERIAL] DEPARTMENT DUTIES. --The department shall
10 approve a list of competitive foods and competitive beverages
11 approved for offer or sale at public schools and charter
12 schools based on compliance with the provisions of the
13 Competitive Foods in Schools Act and make the list available to
14 school districts. "

15 Section 4. A new section of the Public School Code is
16 enacted to read:

17 "[NEW MATERIAL] VENDOR CONTRACTS FOR FOOD SERVICE IN
18 SCHOOLS. --Contracts for food and beverage vending shall not
19 bind school districts or school food services to exclusive or
20 multiyear provisions. "

21 Section 5. A new section of the Public School Code is
22 enacted to read:

23 "[NEW MATERIAL] REWARDS. --Foods and beverages, including
24 coupons to be redeemed outside the school setting, shall not be
25 used as rewards for individual students or groups of students,

. 153576. 3

underscored material = new
[bracketed material] = delete

1 or be withheld as punishment. "

2 Section 6. A new section of the Public School Code is
3 enacted to read:

4 "[NEW MATERIAL] COMMERCIAL ADVERTISING. -- All vending
5 machines located on school property shall exclude graphics that
6 do not promote one hundred percent fruit and vegetable juices,
7 water, milk, physical activity and health. "

8 Section 7. A new section of the Public School Code is
9 enacted to read:

10 "[NEW MATERIAL] EXAMPLES SET BY SCHOOL PERSONNEL. -- School
11 personnel shall eat foods and drink beverages that comply with
12 the Competitive Foods in Schools Act when eating with their
13 students at school. "

14 Section 8. A new section of the Public School Code is
15 enacted to read:

16 "[NEW MATERIAL] ELEMENTARY SCHOOLS. -- From one hour before
17 through one-half hour after the school day, no competitive food
18 or competitive beverage shall be offered or sold on an
19 elementary school campus. Items used in nutrition education
20 lessons or served at celebrations are exempt from the
21 provisions of this section. "

22 Section 9. A new section of the Public School Code is
23 enacted to read:

24 "[NEW MATERIAL] SECONDARY SCHOOLS. --

25 A. From one hour before through one-half hour after

1 the school day, all competitive foods and competitive beverages
2 offered or sold on a middle, junior high or high school campus
3 shall comply with the provisions of this section. Items used
4 in nutrition education lessons or served at celebrations are
5 exempt from the provisions of this section.

6 B. The following competitive beverages shall be
7 allowed:

8 (1) drinking water;

9 (2) one hundred percent plain and flavored
10 milk that does not exceed two percent fat content;

11 (3) soymilk that contains no less than six
12 grams of protein and no less than two hundred eighty-five
13 milligrams of calcium per eight fluid ounces;

14 (4) yogurt beverages;

15 (5) one hundred percent fruit and vegetable
16 juices;

17 (6) fruit-based drinks that contain at least
18 fifty percent fruit juice and have no added sugars; and

19 (7) electrolyte replacement beverages that
20 contain no more than twenty-three grams of sugars per twelve
21 fluid ounces.

22 C. Qualifying competitive foods shall provide:

23 (1) not more than thirty percent of total
24 calories from fat, excluding nuts, seeds and cheeses;

25 (2) not more than ten percent of total

underscored material = new
[bracketed material] = delete

1 calories from saturated fat and trans fat combined; and

2 (3) not more than thirty-five percent of total
3 weight from sugar, excluding dried fruits.

4 D. Items offered or sold in single-serving
5 packages, except for fresh fruits and vegetables, milk and
6 water, shall be limited to these portion sizes:

7 (1) twelve fluid ounces for beverages;

8 (2) eight ounces for yogurts that are not in
9 frozen or beverage form;

10 (3) one and one-fourth ounces for snacks,
11 including chips, crackers, popcorn, cereal, trail mix, nuts,
12 seeds, cheeses, dried fruit and jerky;

13 (4) two ounces for cookies and cereal bars;

14 (5) three ounces for bakery items; and

15 (6) three ounces for frozen desserts.

16 E. Items not offered or sold in single-serving
17 packages shall not exceed the portion-size limits set by the
18 United States department of agriculture school meals programs."

19 Section 10. A new section of the Public School Code is
20 enacted to read:

21 "[NEW MATERIAL] RULEMAKING. --The department in
22 consultation with the department of health shall adopt and
23 promulgate rules by August 1, 2005 in compliance with the
24 Competitive Foods in Schools Act, and such rules shall require
25 compliance of all school districts and charter schools. The

. 153576. 3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

rules shall:

A. require a preference for New Mexico-grown foods for purchase in the United States department of agriculture's meals programs and for competitive food and competitive beverage sales;

B. require preference for minimally processed, naturally nutrient-dense-per-calorie foods and beverages;

C. require preference for school fundraising activities that use nonfood items; and when foods and beverages are used for fundraising activities, require the use of foods and beverages that meet the provisions of the Competitive Foods in Schools Act;

D. require each school district to involve students in creating school wellness policies; and

E. limit school celebrations that involve the use of foods and beverages to special and infrequent occasions and restrict foods and beverages at celebrations to those that comply with the standards of the Competitive Foods in Schools Act. "